

The Public Agenda Session of the Board of Public Works was convened at 10:33 a.m. on Wednesday, November 22, 2006, by Board President Gary A. Gilot, with Mr. Carl P. Littrell and Mr. Donald E. Inks present. Also present was Board Attorney Thomas Bodnar. Board of Public Works Clerk Linda M. Martin presented the Board with a proposed agenda of items presented by the public and by City staff.

AGENDA ITEMS ADDED

- Agreement – Staff Contract between Community Homebuyers Corporation and City of South Bend.
- Grant Agreement – Lasalle Park Residential Enhancement Program Grant

Board members discussed the following item(s) from that list.

- Safety Reports – Public Works
Mr. Lou Grounds, Central Services, presented the Monthly Report and Goals/Performance for his department.
- Award Quotation – Mattresses, Springs, Frames for the South Bend Fire Department
Mr. Jim Lopez, Fire Department, stated Elkhart Bedding was the low bidder. Mr. Gilot requested a bid tab be used in the future for the awarding of quotes, and requested one be forwarded to the Board of Public Works for the meeting on Monday, November 27, 2006.
- Award Quotation – Copier for Organic Resources and the Maintenance Shop
Mr. Brent Hussung, Environmental Services, stated that although Adams Remco was not the lowest bidder, they were the lowest responsible and responsive bid that satisfied all specifications. Mr. Gilot requested a bid tab sheet for the Board of Public Works meeting on Monday November 27, 2006.
- Proposal – Implementation of South Well #5
Mr. John Wiltout, Water Works, stated the Water Works is requesting permission to implement South Well #5 from Peerless Midwest as a professional, specialized service.
- Annual Maintenance Agreement –Voice Mail System
Ms. Catherine Fanello, City Controller, stated the new contract with AT&T for the voice mail system is a Maintenance Agreement.
- Addendum – Fredrickson Park
Ms. Catherine Fanello, City Controller, questioned the additional services proposal in the amount of \$6,280.00. Mr. Gilot stated the contractor is already over budget and this will add to the amount the contractor will need to cut costs by. Mr. Littrell, City Engineer, will talk to the contractor about the additional services.
- Change Order – Studebaker Area A Demolition
Ms. Catherine Fanello, City Controller, stated the Change Order needed to be included in the original purchase order.

APPROVE CHECK AS SURETY FOR AUGUSTINE LAKES ESTATES

Mr. Jason Durr, Division of Engineering, submitted the following check to the Board and recommended approval as a form of surety:

TREASURER’S CHECK NO. 1871965

ISSUED BY: Nature’s Gate II, LLC/1st Source Bank

FOR: Surety for Augustine Lake Estates

AMOUNT: \$25,000.00

IMPROVEMENT: Augustine Lake Estates Lift Station and Control Panel

Mr. Gilot made a motion that the check, as outlined above, be approved as surety. Mr. Littrell seconded the motion, which carried.

FAVORABLE RECOMMENDATION - PETITION TO VACATE THE ALLEY OF THE EASTERN QUARTER OF FIRST EAST/WEST ALLEY NORTH OF COLFAX AVENUE BETWEEN NOTRE DAME AVENUE AND FRANCES STREET

Mr. Gilot stated the alley vacation of the Eastern Quarter of First East/West Alley North of Colfax Avenue between Notre Dame Avenue and Frances Street for the South Bend Clinic has received favorable recommendations from the Area Plan Commission, Police Department, Fire Department, Department of Public Works, and Department of Economic Development. Upon a motion made by Mr. Inks, seconded by Mr. Littrell and carried, the above mentioned alley vacation was approved

The Clerk was instructed to post the agenda and notify the media and other persons who have requested notice of the meeting agenda. No other business came before the Board. The meeting adjourned at 11:36 a.m.

BOARD OF PUBLIC WORKS

Gary A. Gilot, President

Carl P. Littrell, Member

Donald E. Inks, Member

ATTEST:

Linda M. Martin, Clerk

REGULAR MEETING

NOVEMBER 27, 2006

The regular meeting of the Board of Public Works was convened at 9:33 a.m. on Monday, November 27, 2006, by Board President Gary A. Gilot, with Mr. Carl P. Littrell and Mr. Donald E. Inks present. Also present was Board Attorney Thomas Bodnar.

APPROVE MINUTES OF PREVIOUS MEETING

Upon a motion made by Mr. Littrell, seconded by Mr. Inks and carried, the minutes of the public agenda session and the regular meeting of the Board held on November 9 and November 13, 2006, were approved.

OPENING OF BIDS – ONE (1) MORE OR LESS, HEAVY DUTY RESCUE UNIT, AND ONE (1) MORE OR LESS, MEDIUM DUTY TYPE 1 AMBULANCE (EMSCIF FUND 288 PENDING LEASE 2007 PROJECT)

This was the date set for receiving and opening of sealed bids for the above referred to project. The Clerk tendered proofs of publication of Notice in the South Bend Tribune and the Tri-County News, which were found to be sufficient. The following bids were opened and publicly read:

MEDTEC AMBULANCE CORPORATION

2429 Lincolnway East
Goshen, Indiana 46526

Bid was signed by: Mr. Dean Martin
Non-Collusion Affidavit was in order
Non-Discrimination commitment form was completed
Five percent (5%) Bid Bond was submitted

BID:

2008 International/Medtec AD170 Type I Ambulance	\$170,764.00
Motorola Radios as Quoted by Shearer Communication	\$3,328.30
Headset/Intercom System as Quoted by Quala Tel Ent.	\$4,130.80
Laptop Computer & Acc. Equip. as Quoted by Mobile Tek	\$6,644.00
Stryker Power Pro Cot & Acc. As Quoted by Stryker	\$9,909.80
TOTAL PURCHASE PRICE W/EQUIPMENT	\$194,776.90
ALTERNATE BID	
2008 Customer Supplied International Chassis Through Wiers International, South Bend, Indiana	\$62,005.00
Medtec AD170 Type I Ambulance Module	\$108,372.00
Motorola Radios as Quoted by Shearer Communication	\$3,328.30
Headset/Intercom System as Quoted by Quala Tel Ent.	\$4,130.80
Laptop Computer & Acc. Equip. as Quoted by Mobile Tek	\$6,644.00
Stryker Power Pro Cot & Acc. As Quoted by Stryker	\$9,909.80
TOTAL ALTERNATE AMBULANCE PURCHASE PRICE	\$194,389.90

R.S.V.P.
5312 Telegraph
Toledo, Ohio 43612

Bid was signed by: Mr. John Arnos
Non-Collusion Affidavit was in order
Non-Discrimination commitment form was completed
Five percent (5%) Bid Bond was submitted

BID:

One (1) 2007-08 AEV TraumaHawk International
4300 LP Ambulance \$198,434.40

PIERCE MANUFACTURING INC.
2600 American Drive
Appleton, Wisconsin 54912

Bid was signed by: Pierce Manufacturing
Non-Collusion Affidavit was in order
Non-Discrimination commitment form was completed
Five percent (5%) Bid Bond was submitted

BID:

One (1) Pierce Heavy Duty Rescue Mounted
On Enforcer Custom Chassis \$439,500.00

Remove Air Line to Front Bumper	(\$110.00)
Remove Crib Compt's Without Drawers	(\$2,000.00)
Remove Crib Compt's With Drawers	(\$3,000.00)
Remove Front Scene Light and Switch	(\$1,100.00)
Add Am/Fm Radio with Weather Band	\$750.00
Add or Delete Antenna Mount	\$50.00

Upon a motion made by Mr. Littrell, seconded by Mr. Inks, and carried, the above bids were referred to the Fire Department for review and recommendation.

OPENING OF BIDS/AWARD BID – DEWATERING POLYMER FEED SYSTEM – PROJECT NO. 106-057 (CAPITAL)

This was the date set for receiving and opening of sealed bids for the above referred to project. The Clerk tendered proofs of publication of Notice in the South Bend Tribune and the Tri-County News, which were found to be sufficient. The following bids were opened and publicly read:

BOWEN ENGINEERING CORPORATION

1110 Arrowhead Court, Suite B
Crown Point, Indiana 46307

Bid was signed by: Mr. Todd Lemen
Non-Collusion Affidavit was in order
Non-Discrimination commitment form was completed
Five percent (5%) Bid Bond was submitted

BID: \$293,000.00

Upon a motion made by Mr. Gilot, seconded by Mr. Littrell, and carried, the above bid was referred to Environmental Services for review and recommendation. After reviewing the bid, Mr. Patrick Henthorn, Environmental Services, recommended that the Board award the contract to the lowest, responsive and responsible bidder, Bowen Engineering Corporation, in the amount of \$293,000.00. Therefore, Mr. Gilot made a motion that the recommendation be accepted and the bid be awarded as outlined above. Mr. Littrell seconded the motion, which carried.

OPENING OF QUOTATIONS – ARGYLE DRIVE WALKWAY AT ERSKINE VILLAGE – PROJECT NO. 106-086 (GENERAL FUND)

Mr. Gilot advised that this was the date set for the receiving and opening of sealed Quotations for the above referenced project. The following Quotations were opened and read:

Quotation was submitted by:

ORTIZ CONCRETE

530 Pulaski Street
South Bend, Indiana, 46619

Quotation was signed by: Mr. Jose Ortiz
Non-Discrimination commitment form was completed

QUOTE: \$34,775.00

Quotation was submitted by:

L.L. GEANS CONSTRUCTION, INC.

1923 North Home Street
Mishawaka, Indiana, 46545

Quotation was signed by: Mr. Mike Glenn
Non-Discrimination commitment form was completed

QUOTE: \$56,504.00

Upon a motion made by Mr. Littrell, seconded by Mr. Inks and carried, the above Quotations were referred to the Engineering Department for review and recommendation.

OPENING OF QUOTATIONS – SEWER AND WATER LATERAL INSTALLATION – 701 PENNSYLVANIA AVENUE – PROJECT NO. 106-090 (CIP)

Mr. Gilot advised that this was the date set for the receiving and opening of sealed quotations for the above referenced project. The following quotations were opened and read:

NIEZGODSKI PLUMBING, INC.

Post Office Box 3096
South Bend, Indiana 46619

Quotation was Submitted by Mr. David Niezgodski

QUOTATION:

Installation of Water Line – Property Line
To Inside Basement
Installation of Sewer Line – Property Line
To Cast-Iron Stubs \$4,100.00

Installation of Water Line – Property Line
To Inside Basement
Installation of Sewer Line – Property Line
To Inside Basement \$5,220.00

Installation of 6” Sewer from Main \$4,500.00

GNOTH & NARAGON HEATING & AIR CONDITIONING

411 West Ewing
South Bend, Indiana 46613-2109

Quotation was submitted by Mr. John O’Brien

QUOTATION: \$12,629.65

GARMAN ELECTRIC

1118 Forest Avenue
Mishawaka, Indiana 46545

Quotation was Submitted by Mr. Rick Mason

QUOTATION: \$3,760.85

Installation of 200 Amp Service
Install two (2) Weatherproof Receptacles/Circuits
Repair Any Lawn Damage Caused by AEP

EDWARD J. WHITE, INC.

1011 South Michigan Street
South Bend, Indiana 46601

Quotation was Submitted by Mr. J.C. German

QUOTATION: \$25,167.00 (As Submitted)

ADVANCED ENERGY SPECIALISTS, INC.

919 South Twyckenham Drive
South Bend, Indiana 46615

Quotation was submitted by Mr. Trent Gouker

QUOTATION: \$17,496.00 (As Submitted)

Upon a motion made by Mr. Littrell, seconded by Mr. Inks and carried, the above Quotations were referred to the Department of Community and Economic Development for review and recommendation.

AWARD QUOTATION – MATTRESSES, SPRINGS, FRAMES FOR THE SOUTH BEND FIRE DEPARTMENT (EMSCIF FUND 288)

Mr. Gilot advised the Board that on November 13, 2006 bids were received and opened for the above referred to items. After reviewing those Quotations, Chief Luther Taylor, Fire Department, recommends that the Board award the contract to the lowest, responsive and responsible bidder, Elkhart Bedding Company, Inc., 2124 Sterling Avenue, Elkhart, Indiana, in the amount of \$24,686.00. Therefore, Mr. Gilot made a motion that the recommendation be accepted and the Quotation be awarded as outlined above. Mr. Inks seconded the motion, which carried.

AWARD QUOTATION – TWO (2) COPY MACHINES FOR ORGANIC RESOURCES AND THE MAINTENANCE SHOP (CAPITAL 642)

Mr. Gilot advised the Board that on November 13, 2006, Quotations were received and opened for the above referred to items. After reviewing those Quotations, Mr. Jack Dillon, Environmental Services, recommends that the Board award the contract to the lowest, responsive and responsible bidder, Adams Remco, 2612 Foundation Drive, South Bend, Indiana, in the amount of \$7,157.78. It was noted that the low bid of CDW-G was being rejected for failure to meet specifications. The automatic duplex and integrated fax were missing. Therefore, Mr. Inks made a motion that the recommendation be accepted subject to the completion of a Bid Tab, and the bid be awarded as outlined above. Mr. Littrell seconded the motion, which carried.

APPROVE CHANGE ORDER – SOUTH BEND FIRE DEPARTMENT #2 – BROWN & BROWN GENERAL CONTRACTORS – PROJECT NO. 106-002 (COIT/GENERAL)

Mr. Gilot advised that Mr. Toy Villa, Engineering, has submitted Change Order No. 2 on behalf of Brown & Brown General Contractors, Post Office Box 487, 124 South Elkhart Street, Wakarusa, Indiana, indicating that the Contract amount be increased for a new Contract sum, including this Change Order, in the amount of \$2,130,180.82. Upon a motion made by Mr. Gilot, seconded by Mr. Littrell, and carried, the Change Order was approved.

APPROVE CHANGE ORDER – STUDEBAKER AREA A DEMOLITION – PHASE I – J&L MANAGEMENT CORPORATION – PROJECT NO. 104-030 (COIT, HUD FUND 209)

Mr. Gilot advised that Mr. Andy Laurent, Economic Development, has submitted Change Order No. 1 on behalf of J&L Management Corporation, 150 North Walnut Street, Suite 300, Mt. Clemens, Michigan, indicating that this is a no-cost Change Order. This Change Order will turn the Contract into a “not to exceed” Contract at the base bid of \$7,918,250.00. It also includes all asbestos removal and disposal work in the base bid, beyond that addressed by Allowance Adjustment No. 1. Upon a motion made by Mr. Gilot, seconded by Mr. Inks, and carried, the Change Order was approved.

APPROVE CHANGE ORDER NO. 1 (FINAL) AND PROJECT COMPLETION AFFIDAVIT – NEAR NORTHWEST SIDE NPC – ORTIZ CONCRETE – PROJECT NO. 106-040 FUND CDBG

Mr. Gilot advised that Mr. Toy Villa, Engineering, has submitted Change Order No. 1 (Final) indicating that the contract amount be decreased by \$21,961.01, for a new contract sum including this Change Order in the amount of \$96,832.49. Additionally submitted was the Project Completion Affidavit indicating this new final cost. Upon a motion made by Mr. Inks, seconded by Mr. Littrell, and carried, Change Order No. 1 (Final) and the Project Completion Affidavit were approved subject to the filing of the appropriate three-year Maintenance Bond.

APPROVAL OF AGREEMENTS/CONTRACTS/PROPOSALS/ADDENDA

The following Agreements/Contracts/Proposals/Addenda were submitted to the Board for approval:

TYPE	DESCRIPTION	BUSINESS	AMOUNT	MOTION/ SECONDED
Construction Contract	Century Center Carpet Replacement	Carpet Service Outlet, Inc.	\$142,950.00	Inks/Littrell
Construction Contract	Stabilization of CSO No. 6 Outfall	Selge Construction	\$888,250.50	Gilot/Inks
Construction Contract	Bartlett Street Lighting Project	Trans Tech Electric	\$41,255.00	Inks/Gilot
Grant Agreement	Western Avenue Façade Matching Grant	2105 West Western Avenue	\$3,930.00	Inks/Littrell
Grant	Near Westside	605 North	\$3,038.50	Littrell/Inks

TYPE	DESCRIPTION	BUSINESS	AMOUNT	MOTION/ SECONDED
Agreement	Residential Matching Grant	Brookfield		
Grant Agreement	Lincoln Way West Commercial Corridor Façade Matching Grant Program	2222 Lincoln Way West	\$4,352.50	Inks/Littrell
Grant Agreement	Lincolnway West Commercial Corridor Façade Matching Grant Program	1017 Lincolnway West	\$1,188.50	Inks/Littrell
Grant Agreement	Lincolnway West Commercial Corridor, Façade Improvement Matching Grant Program	513 Lincolnway West	\$20,000.00	Inks/Littrell
Grant Agreement	Kenmore Street Model Block Residential Enhancement Matching Grant Program	513 South Chicago Street	\$2,724.00	Inks/Littrell
Grant Agreement	Kenmore Street Model Block Residential Enhancement Matching Grant Program	614 South Illinois Street	\$3,679.50	Inks/Littrell
Grant Agreement	Kenmore Street Model Block Residential Enhancement Matching Grant Program	806 Sheridan Street	\$1,300.00	Inks/Littrell
Grant Agreement	Kenmore Street Model Block Residential Enhancement Matching Grant Program	726 South Falcon Street	\$278.08	Inks/Littrell
Grant Agreement	Rum Village Residential Enhancement Matching Grant Program	2222 Delaware Street	\$727.50	Littrell/Inks
Grant Agreement	Lasalle Park Residential Enhancement Program Grant	238 North Wellington Street	\$795.00	Inks/Littrell
Grant Agreement	Lasalle Park Residential Enhancement Program Grant	202 North Wellington Street	\$1,187.50	Inks/Littrell
Grant Agreement	Lasalle Park Residential Enhancement Program Grant	305 South Falcon Street	\$2,145.00	Inks/Littrell
Grant	Miami Street	1130	\$2,729.00	Inks/Littrell

TYPE	DESCRIPTION	BUSINESS	AMOUNT	MOTION/ SECONDED
Agreement	Commercial Corridor Façade Improvement Matching Grant Program	Lincolnway East		
Grant Agreement	Miami Street Commercial Corridor Façade Improvement Matching Grant Program	1619 Miami Street	\$5,545.00	Inks/Littrell
Grant Agreement	Portage Avenue Commercial Corridor Façade Matching Grant Program	605 Portage Avenue	\$2,787.00	Inks/Littrell
Grant Agreement	Portage Avenue Commercial Corridor Façade Matching Grant Program	2255 Portage Avenue	\$5,160.00	Inks/Littrell
Grant Agreement	Mishawaka Avenue Grant	2621 Mishawaka Avenue	\$2,072.50	Inks/Littrell
Grant Agreement	River Park REP Grant	3003 Northside Boulevard	\$4,687.50	Inks./Littrell
Building Block Grant Agreement	Building Block Grant Agreement	5342 Kindig Avenue	\$125.00	Inks/Littrell
Agreement	Annual Maintenance – Voice Mail System	AT&T	\$1,896.00 per year	Inks/Littrell
Addendum	Portage Avenue Commercial Corridor Façade Matching Grant Program	1431 Portage Avenue	\$1,522.80	Inks/Littrell
Addendum	Fredrickson Park	Kil & Associates	\$6,280.00	Littrell/Inks TABLED
Proposal	Professional Services Scope South Well #5	Peerless Midwest Inc.	\$13,000.00	Inks/Littrell
Contract	Studebaker/Oliver Project Area	Redevelopment Commission	\$9,180,000.00	Inks/Littrell
Contract	Medical Care to Indigent City Residents	Memorial Hospital of South Bend	\$0.00	Inks/Littrell
Contract Proposal	2007 Legislative Consulting Services	RJBonham & Associates	\$15,000.00	Littrell/Inks
Grant Agreement	South Gateway Police Operations	South Bend Police	\$3,000.00	Inks/Littrell
Agreement	HUD	Community Homebuyers Corporation	\$58,824.00	Inks/Littrell

APPROVE CONSENT TO ANNEXATION AND WAIVER OF RIGHTS TO REMONSTRATE AND ACKNOWLEDGEMENT OF CITY COMPACT FEES

Mr. Gilot stated that the Board is in receipt of a Consent to Annexation and Waiver of Right to remonstrate as submitted by Ms. Theresa M. Vazquez and Ms. Mary Tijerina. The Consent indicates that in consideration for permission to tap into public sanitary water system of the City, to provide sanitary water service to the Southeast Corner of 26th Street and Hepler Road, 54490 26th Street, South Bend, Indiana, (Key #002-2155-7042), the Vazquez's and Tijerina's waive and release any and all right to remonstrate against or oppose any pending or future annexation of the property by the City of South Bend. Therefore, Mr. Inks made a motion that the Consent be approved. Mr. Littrell seconded the motion, which carried.

APPROVE CONSENT TO ANNEXATION AND WAIVER OF RIGHTS TO REMONSTRATE AND ACKNOWLEDGEMENT OF CITY COMPACT FEES

Mr. Gilot stated that the Board is in receipt of a Consent to Annexation and Waiver of Right to remonstrate as submitted by Mr. Wayne Newberg and Ms. Ruth Newberg. The Consent indicates that in consideration for permission to tap into public sanitary sewer system of the City, to provide sanitary sewer service to 19335 Pasadena Street, Lot 17, Swanson Heights, Corner of Carl Street on North side of Pasadena, South Bend, Indiana, (Key #01-1073-2426), the Newberg's waive and release any and all right to remonstrate against or oppose any pending or future annexation of the property by the City of South Bend. Therefore, Mr. Inks made a motion that the Consent be approved. Mr. Littrell seconded the motion, which carried.

FILING OF SAFETY REPORT – DEPARTMENT OF PUBLIC WORKS

The Division of Central Services submitted their Safety Report for October, 2006. This report reflects injuries/accidents for each month and provides for a comparison. There being no further discussion, upon a motion made by Mr. Gilot, seconded by Mr. Inks and carried, the report was accepted and filed.

APPROVE TRAFFIC CONTROL DEVICES

Upon a motion made by Mr. Littrell, seconded by Mr. Inks and carried, the following traffic control devices were approved:

NEW INSTALLATION: **Approved** - Handicapped Reserved Parking Signs
LOCATION: 1223 North Kaley
REMARKS: All Criteria Was Met

NEW INSTALLATION: **Approved** - Handicapped Reserved Parking Signs
LOCATION: 530 Chicago Street
REMARKS: All Criteria Was Met

NEW INSTALLATION: **Approved** - Two Hour Parking, 6:00 a.m. to 6:00 p.m., Tow Zone
LOCATION: 1247 North Notre Dame Avenue
REMARKS: Residents Request Approved. Neighbors Support. Notre Dame Facility on East Side Has a Parking Lot.

ADOPT RESOLUTION NO. 66-2006 – DISPOSAL OF CITY-OWNED PROPERTY

Upon a motion made by Mr. Gilot, seconded by Mr. Littrell and carried, the following Resolution was adopted by the Board of Public Works:

RESOLUTION NO. 66-2006
A RESOLUTION OF THE SOUTH BEND BOARD OF PUBLIC WORKS
ON DISPOSAL OF UNFIT AND/OR OBSOLETE PROPERTY

WHEREAS, it has been determined by the Board of Public Works that the following property is unfit for the purpose for which it was intended and is no longer needed by the City of South Bend:

WHEREAS, Indiana Code 5-22-22 permits and establishes procedure for disposal of personal property which is unfit for the purpose for which it was intended and which is no longer needed by the City.

NOW, THEREFORE, BE IT RESOLVED by the Board of Public Works of the City of South Bend that the items listed above are no longer needed by the City; are unfit for the purpose for which they were intended and have an estimated value of less than one thousand dollars (\$1,000.00).

BE IT FURTHER RESOLVED, that said items may be transferred or sold at public auction or private sale, without advertising. However, if the property is deemed worthless, such may be demolished or junked.

ADOPTED this 27th day of November 2006.

BOARD OF PUBLIC WORKS
CITY OF SOUTH BEND,
INDIANA
s/Gary A. Gilot, President
s/Carl P. Littrell, Member
s/Donald E. Inks, Member

ATTEST:
s/Linda M Martin, Clerk

ADOPT RESOLUTION NO. 67-2006 – STADIUM VILLAGE ANNEXATION AREA

Upon a motion made by Mr. Gilot, seconded by Mr. Inks and carried, the following Resolution was adopted by the Board of Public Works. Mr. Marco Mariani, Community and Economic Development, was present and stated the annexation meets all the legal requirements, water and sewer services are available. He stated Notre Dame has changed their recommendation from favorable to unfavorable.

RESOLUTION NO. 67-2006

**A RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE CITY OF
SOUTH BEND, INDIANA ADOPTING A WRITTEN FISCAL PLAN AND
ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO AN
ANNEXATION AREA IN CLAY TOWNSHIP
(STADIUM VILLAGE ANNEXATION AREA)**

WHEREAS, there has been submitted to the Common Council of the City of South Bend, Indiana, an Ordinance and a petition by all (100%) property owners which proposes the annexation of real estate located in Clay Township, St. Joseph County, Indiana, which is more particularly described at Page 16 of Exhibit "A" attached hereto; and

WHEREAS, the territory proposed to be annexed encompasses approximately 3.1 acres of land, which property is at least 12.5% contiguous to the current City limits, i.e., approximately 23.1% contiguous, generally located at the northwest corner of Vaness Street and Willis Avenue and a parcel on the west side of Burdette Street. It is anticipated that the annexation area will be developed for single-family, attached condominiums and a 3-story condominium-hotel building.

The developments will require a basic level of municipal public services of a non-capital improvement nature, including street and road maintenance, street sweeping, flushing, snow removal, and sewage collection, as well as services of a capital improvement nature, including street and road construction, street lighting, a sanitary sewer system, a water distribution system, and a storm water system and drainage plan; and

WHEREAS, the Board of Public Works now desires to establish and adopt a fiscal plan and establish a definite policy showing: (1) the cost estimates of services of a non-capital nature, including street and road maintenance, street sweeping, flushing, and

snow removal, and sewage collection, and other non-capital services normally provided within the corporate boundaries; and services of a capital improvement nature including street and road construction, street lighting, a sanitary sewer extension, a water distribution system, and a storm water system to be furnished to the territory to be annexed (2) the method(s) of financing those services; (3) the plan for the organization and extension of those services; (4) that services of a non-capital nature will be provided to the annexed area within one (1) year after the effective date of the annexation, and that they will be provided in a manner equivalent in standard and scope to similar non-capital services provided to areas within the corporate boundaries of the City of South Bend, regardless of similar topography, patterns of land use, and population density; (5) that services of a capital improvement nature will be provided to the annexed area within three (3) years after the effective date of the annexation within the same manner as those services are provided to areas within the corporate boundaries of the City of South Bend regardless of similar topography, patterns of land use, or population density, and in a manner consistent with federal, state and local laws, procedures, and planning criteria; and (6) the plan for hiring the employees or other governmental entities whose jobs will be eliminated by the proposed annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA, AS FOLLOWS:

Section I. It is in the best interest of the City of South Bend and the area proposed to be annexed that the real property described more particularly at Page 15 of Exhibit "A" attached hereto be annexed to the City of South Bend.

Section II. That it shall be and hereby is now declared and established that it is the policy of the City of South Bend, by and through its Board of Public Works, to furnish to said territory services of a non-capital nature, such as street and road maintenance, street sweeping, flushing, and snow removal, within one (1) year of the effective date of the annexation in a manner equivalent in standard and scope to services furnished by the City to other areas of the City regardless of similar topography, patterns of land utilization, and population density; and to furnish to said territory, services of a capital improvement nature such as street and road construction, a street light system, a sanitary sewer system, a water distribution system, a storm water system and drainage plan, within three (3) years of the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries of the City of South Bend regardless of similar topography, patterns of land use, or population density.

Section III. That the Board of Public Works shall and does hereby now establish and adopt the Fiscal Plan, attached hereto as Exhibit "A", and made a part hereof, for the furnishing of said services to the territory to be annexed, which provides, among other things, that the public sanitary sewer and water network is available with capacity sufficient to service this area; that street lighting and parking will be installed at the developer's expense; and that a street drainage plan will be also be planned, provided and paid for by the developer subject to compliance with state and local law.

Section IV. In consideration of pedestrian safety and proper vehicular movement, it is required as a condition of rezoning and annexation that the developers give very careful consideration to vehicular access and circulation as well as pedestrian movement for the developments within the annexation area. In this regard, the annexation and rezoning is subject to the following conditions: 1) vehicular access to Burdette Street on the west side of hotel/condo site should be eliminated and a vehicular access created along Vaness Street. 2) the elimination of gates and other devices that restrict access to the developments in order to create a gated community. 3) the installation of public infrastructure along the appropriate frontage of each site, including standardizing the width of Vaness Street according to City standards.

It is required that the annexation area integrate harmoniously with the surrounding residential areas. It should also be required that neo-traditional building/site design elements be included in terms of context, setback, orientation, spacing, style, massing, height, entry, fenestration, materials, accessory buildings, landscape buffering and

lighting that achieve development and design of the highest possible quality per the South Bend zoning ordinance standards.

Water as well as sewer service is available in sufficient capacity and it is required that the developer will pay the costs of sewer and water extensions to the project site as needed. Building plans and other information to satisfy these requirements must be submitted by the developer to the City as part of the development review process. Failure to comply with all the conditions may result in the City's repeal of annexation.

Adopted the 27th day of November,2006.

BOARD OF PUBLIC WORKS
OF THE CITY OF SOUTH BEND,
INDIANA

s/Gary Gilot, President
s/Carl Littrell, Member
s/Donald E. Inks, Member

ADOPT RESOLUTION NO. 68-2006 – DRAKE ANNEXATION AREA

Upon a motion made by Mr. Gilot, seconded by Mr. Inks and carried, the following Resolution was adopted by the Board of Public Works. Mr. Marco Mariani, Community and Economic Development, was present and stated the annexation meets all the legal requirements and sewer and water service are available. In addition, he stated that the annexation was contingent upon completion of a traffic study.

RESOLUTION NO. 68-2006

**A RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE CITY OF
SOUTH BEND, INDIANA ADOPTING A WRITTEN FISCAL PLAN AND
ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO AN
ANNEXATION AREA IN CENTRE TOWNSHIP
(DRAKE ANNEXATION AREA)**

WHEREAS, there has been submitted to the Common Council of the City of South Bend, Indiana, an Ordinance and a petition by all (100%) property owners which proposes the annexation of real estate located in Centre Township, St. Joseph County, Indiana, which is more particularly described at Page 16 of Exhibit "A" attached hereto; and

WHEREAS, the territory proposed to be annexed encompasses approximately 3.31 acres of land, which property is at least 12.5% contiguous to the current City limits, i.e., approximately 18.3 % contiguous, generally located at the northwest corner of U.S. 31 and Kern Road. It is anticipated that the annexation area will be developed for a three-story motel. The development will require a basic level of municipal public services of a non-capital improvement nature, including street and road maintenance, street sweeping, flushing, snow removal, and sewage collection, as well as services of a capital improvement nature, including street and road construction, street lighting, a sanitary sewer system, a water distribution system, and a storm water system and drainage plan; and

WHEREAS, the Board of Public Works now desires to establish and adopt a fiscal plan and establish a definite policy showing: (1) the cost estimates of services of a non-capital nature, including street and road maintenance, street sweeping, flushing, and snow removal, and sewage collection, and other non-capital services normally provided within the corporate boundaries; and services of a capital improvement nature including street and road construction, street lighting, a sanitary sewer extension, a water distribution system, and a storm water system to be furnished to the territory to be

annexed (2) the method(s) of financing those services; (3) the plan for the organization and extension of those services; (4) that services of a non-capital nature will be provided to the annexed area within one (1) year after the effective date of the annexation, and that they will be provided in a manner equivalent in standard and scope to similar non-capital services provided to areas within the corporate boundaries of the City of South Bend, regardless of similar topography, patterns of land use, and population density; (5) that services of a capital improvement nature will be provided to the annexed area within three (3) years after the effective date of the annexation within the same manner as those services are provided to areas within the corporate boundaries of the City of South Bend regardless of similar topography, patterns of land use, or population density, and in a manner consistent with federal, state and local laws, procedures, and planning criteria; and (6) the plan for hiring the employees or other governmental entities whose jobs will be eliminated by the proposed annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA, AS FOLLOWS:

Section I. It is in the best interest of the City of South Bend and the area proposed to be annexed that the real property described more particularly at Page 15 of Exhibit "A" attached hereto be annexed to the City of South Bend.

Section II. That it shall be and hereby is now declared and established that it is the policy of the City of South Bend, by and through its Board of Public Works, to furnish to said territory services of a non-capital nature, such as street and road maintenance, street sweeping, flushing, and snow removal, within one (1) year of the effective date of the annexation in a manner equivalent in standard and scope to services furnished by the City to other areas of the City regardless of similar topography, patterns of land utilization, and population density; and to furnish to said territory, services of a capital improvement nature such as street and road construction, a street light system, a sanitary sewer system, a water distribution system, a storm water system and drainage plan, within three (3) years of the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries of the City of South Bend regardless of similar topography, patterns of land use, or population density.

Section III. That the Board of Public Works shall and does hereby now establish and adopt the Fiscal Plan, attached hereto as Exhibit "A", and made a part hereof, for the furnishing of said services to the territory to be annexed, which provides, among other things, that the public sanitary sewer and water network is available with capacity sufficient to service this area; that street lighting and parking will be installed at the developer's expense; and that a street drainage plan will be also be planned, provided and paid for by the developer subject to compliance with state and local law.

Section IV. In consideration of pedestrian safety and proper vehicular movement, it is required as a condition of rezoning and annexation that the developers give very careful consideration to vehicular access and circulation as well as pedestrian movement for the developments within the annexation area. In this regard the annexation and rezoning is subject to the following condition:

A traffic impact analysis of the proposed development and site plan to guide the determination of roadway modifications and intersection controls necessary and sufficient to provide safe and orderly traffic movements.

It should also be required that neo-traditional building/site design elements be included in terms of context, setback, orientation, spacing, style, massing, height, entry, fenestration, materials, accessory buildings, landscape buffering and lighting that achieve development and design of the highest possible quality per the South Bend zoning ordinance standards. It is required that the annexation area integrate harmoniously with the surrounding residential areas to the west until such time as the new U.S. 31 alignment is constructed. All screening, signage vehicular access shall conform to the latest City of South Bend standards and ordinances.

Water as well as sewer service is available in sufficient capacity and it is required that the developer will pay the costs of sewer and water extensions to the project site as

needed. Building plans and other information to satisfy these requirements must be submitted by the developer to the City as part of the development review process. Failure to comply with all the conditions may result in the City’s repeal of annexation.

Adopted the 27th day of November, 2006.

BOARD OF PUBLIC WORKS
OF THE CITY OF SOUTH BEND,
INDIANA
s/Gary Gilot, President
s/Carl Littrell, Member
s/Donald E. Inks, Member

APPROVE AND/OR RELEASE CONTRACTOR AND EXCAVATION BONDS

Mr. Anthony Molnar, Division of Engineering, recommended that the following Contractor and Excavation Bonds be approved and/or released as follows:

BOND OF CONTRACTOR

Reif-Beachy Construction, Inc.	Approved Effective November 13, 2006, Pursuant to Resolution No. 100-2000
Gerald Libertowski dba A-1 Builders	Approved Effective October 30, 2006, Pursuant to Resolution No. 100-2000
Tonn & Blank Construction	Approved Effective November 16, 2006, Pursuant to Resolution No. 100-2000
DNA Construction	Rescinded the Release Effective November 16, 2006, Pursuant to Resolution No. 100- 2000

BOND OF EXCAVATION

Gerald Libertowski dba A-1 Builders	Approved Effective October 30, 2006 Pursuant to Resolution No. 100-2000
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Mr. Inks made a motion that the recommendations be accepted and that the Bonds be approved and/or released as outlined above. Mr. Littrell seconded the motion, which carried.

FILING OF CERTIFICATES OF INSURANCE

Upon a motion made by Mr. Littrell, seconded by Mr. Inks, and carried, the following Certificates of Insurance were accepted for filing:

Fiddler’s Hearth, Inc. and Ceolmar, Inc.
South Bend, Indiana

Michiana Public Broadcasting Corporation
Elkhart, Indiana

McCollough-Scholten Construction, Inc.
Elkhart, Indiana

APPROVE CLAIMS

Mr. Gilot stated that the following claims were submitted to the board for approval:

Name	Amount of Claim	Date
City of South Bend	\$3,797,562.71	November 11, 2006
St. Joseph County Housing Consortium	\$5,890.00	October 25, 2006
St. Joseph County Housing Consortium	\$16,335.00	November 2, 2006

Name	Amount of Claim	Date
City of South Bend	\$3,797,562.71	November 11, 2006
St. Joseph County Housing Consortium	\$9,632.81	November 2, 2006
St. Joseph County Housing Consortium	\$1,585.66	November 6, 2006
St. Joseph County Housing Consortium	\$142.57	November 6, 2006
St. Joseph County Housing Consortium	\$12,293.04	November 6, 2006
St. Joseph County Housing Consortium	\$1,089.00	November 3, 2006
St. Joseph County Housing Consortium	\$1,089.00	October 31, 2006
St. Joseph County Housing Consortium	\$13,743.84	November 2, 2006

Mr. Inks made a motion that the claims be approved and the reports as submitted be filed.
Mr. Littrell seconded the motion, which carried.

ADJOURNMENT

There being no further business to come before the Board, upon a motion made by Mr. Gilot, seconded by Mr. Inks and carried, the meeting adjourned at 10:40 a.m..

BOARD OF PUBLIC WORKS

Gary A. Gilot, President

Carl P. Littrell, Member

Donald E. Inks, Member

ATTEST:

Linda M. Martin, Clerk

